

Serial No. 10/049,735
Filed: February 15, 2002
Page 7 of 10

Examiner: Joseph L. Perrin
Group Art Unit: 1746

REMARKS

Claims 1-36 were in the application as filed. In Applicants' Response to Restriction Requirement filed June 17, 2004, claims 16-32, 34, and 35 were canceled without prejudice. Claims 1-15, 33, and 36 remain in the Application, and stand rejected.

In this Amendment, claims 1 and 2 have been cancelled without prejudice. Claim 37 has been added, which is essentially claim 2 rewritten in allowable format. Claims 3-6, 10, 12, 13, 33, and 36 have been amended to change their dependency from claim 1 to new claim 37.

Claim 6 has been amended to change the phrase "a passive humidity controller" to "a humidity controller." Claims 10, 14, and 33 have been amended to correct typographical errors. Claim 36 has been amended to change the word "garments" to the phrase "fabric articles" to maintain consistency with the language of claim 37.

Claim 38 is a new independent claim and calls for a raising of both the temperature and humidity followed by the raising of one of the temperature and humidity and then decreasing the temperature. Claims 39-52 depend from claim 38, and are essentially the concepts found in claims 4-15, 33, and 36. Applicants submit that claims 39-52 are also in condition for immediate allowance.

The amendments made herein add no new matter. Reconsideration and reexamination of the application is respectfully requested in view of the amendments and the following remarks.

Information Disclosure Statement

On June 11, 2004, Applicants submitted an Information Disclosure Statement. A copy of foreign reference DE 2357646 (item AH on the Information Disclosure Statement) was inadvertently not included with the Information Disclosure Statement. A copy of the reference is submitted is being submitted in a supplemental IDS filed the same day as this response.

Rejections under 35 U.S.C. §112, Paragraph 2

Claims 1-15, 33, and 36 stand rejected under 35 U.S.C. §112, paragraph 2 as allegedly indefinite for failing to particularly point out and distinctly claim subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

The rejection concerns claim 1, step c), which is alleged to be indefinite due to the use of

Serial No. 10/049,735
Filed: February 15, 2002
Page 8 of 10

Examiner: Joseph L. Perrin
Group Art Unit: 1746

both conjunctions "or" and "and." Claim 1 has been canceled without prejudice, thus rendering the rejection moot. Claim 37, which is essentially claim 2 rewritten in allowable form, uses the conjunction "or," thus avoiding the alleged indefiniteness of claim 1.

The rejection also concerns claim 3, which is alleged to be indefinite due to an alleged insufficient antecedent basis. Claim 3 has been amended to depend from claim 37, which provides sufficient antecedent basis for the limitation of claim 3.

Applicants submit that claims 3-15, 33, 36 and 37 are now in condition for allowance. Thus, Applicants request the withdrawal of the rejection of claims 3-15, 33, and 36 under 35 U.S.C. §112, paragraph 2, and notification of the allowance of claims 3-15, 33, 36 and 37.

Rejections under 35 U.S.C. §102(b)

Claims 1, 5, and 12 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 4,199,916 to Shishoo. The rejection is respectfully traversed.

The claimed invention is not anticipated under §102 unless each and every element of the claimed invention is found in the prior art. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 231 USPQ 81, 90 (Fed. Cir. 1986).

Claim 1 has been cancelled. Thus, the rejection of claim 1 is moot. Applicants request the withdrawal of the rejection of claim 1. Since claim 1 is replaced by claim 37, which is essentially claim 2 written in allowable form, claim 1 is no longer present in the application, rendering moot the substance of the rejection.

The rejection of claims 5 and 12 is also moot since they depend on new claim 37.

Rejections under 35 U.S.C. §103(a)

Claims 1, 4-15, and 36 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,305,484 to Fitzpatrick et al. The rejection is respectfully traversed.

Claim 1 has been cancelled without prejudice. Thus, the rejection of claim 1 is moot. Applicants request the withdrawal of the rejection of claim 1.

Fitzpatrick '484 discloses a cabinet having a steam generator and a heater for steaming and drying articles of clothing contained therein. The cabinet is used for dewrinkling garments. Nothing in Fitzpatrick '484 suggests that the cabinet is effective at cleaning a garment. Fitzpatrick '484 also does not disclose pretreating the fabric with a pretreatment composition

Serial No. 10/049,735
Filed: February 15, 2002
Page 9 of 10

Examiner: Joseph L. Perrin
Group Art Unit: 1746

prior to placing the fabric article in the container, as required by claim 37. Furthermore, there is nothing in Fitzpatrick '484 to teach, suggest, or motivate combining the cabinet of Fitzpatrick '484 with a pretreating step. Thus, claim 37 is not rendered obvious by Fitzpatrick '484.

Because claims 4-15 and 36 now depend from claim 37, claims 4-15 and 36 are similarly not rendered obvious by Fitzpatrick '484. Therefore, claims 4-15, and 36 are not rendered obvious by Fitzpatrick '484, and are thus in condition for immediate allowance. Applicants request that the rejection under 35 U.S.C. §103(a) be withdrawn, and that claims 4-15, 36 and 37 be allowed.

Claims 2-3 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Fitzpatrick '484 in view of U.S. Patent No. 5,908,473 to Weller et al. The rejection is respectfully traversed.

Weller '473 discloses several chemical formulations for use in spot treatment of soiled garments in a commercial or home dry cleaning or chemical cleaning process.

There is no teaching or suggestion to make the combination as asserted in the office action. Fitzpatrick '484 is directed to a clothes steamer and Weller '473 is directed to a spot treatment in a home dry cleaning process. There is no teaching or suggestion in either reference that a chemical cleaning treatment could be used with a steam cleaner.

In fact, Weller '473 teaches away from making such a combination. Weller '473 patent discloses several prior art patents at Col. 2, lines 4-11 showing dry cleaning processes in which the Weller spot treatment could be used. None of these processes are described as being suitable for a steam cleaner. Weller '473 teaches that chemical cleaning alone is sufficient to achieve the desired cleaning. Weller '473 does not contemplate any additional cleaning beyond the chemical cleaning.

Additionally, as discussed above, Fitzpatrick '484 only discusses using steam to dewrinkle a garment. One of ordinary skill in the relevant art would not be motivated to look to Fitzpatrick '484 for anything more than a dewrinkling apparatus. Thus, Fitzpatrick '484 arguably teaches away from the use of pretreatment, which is not germane to a dewrinkling process.

Applicant respectfully submits that the examiner's combination of these references is based on hindsight reconstruction, which is not permissible. But for the teaching of Applicant's patent application and claims, the examiner would not have thought of combining a spot pre-

Serial No. 10/049,735
Filed: February 15, 2002
Page 10 of 10

Examiner: Joseph L. Perrin
Group Art Unit: 1746

treatment with a steam cleaner as the two cleaning processes (steaming and chemical) have not previously been used together.

Assuming, *arguendo*, that Fitzpatrick and Well could be combined, the combination would result in the steam cleaner for use in implement a chemical cleaning operation incorporating a spot treatment. Since neither claim 2 or 3 contemplates any type of chemical cleaning, none of the claims are obvious in view of the combination. The same analysis applies to claim 37, which is essentially the same as claim 2.

Therefore, claims 3 and 37 are not rendered obvious by the combination of Fitzpatrick '484 and Weller '473, and are thus in condition for immediate allowance. Applicants request that the rejection under 35 U.S.C. §103(a) be withdrawn, and that claims 3 and 37 be allowed.

CONCLUSION

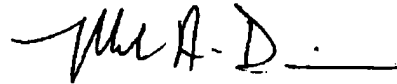
For the reasons discussed above, claims 3-6, 10, 12-13, 33, and 36-52 are in condition for immediate allowance. It is respectfully submitted that all of the pending claims in the application are allowable over the prior art of record. Early notification of allowability is respectfully requested.

If there are any remaining issues which the Examiner believes may be resolved in an interview, the Examiner is respectfully invited to contact the undersigned.

Respectfully submitted,

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